

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 PERCEY LEE RIC'E,

4 Plaintiff,

5 v.

6 PERRY RUSSELL, et al.,

7 Defendants.

Case No.: 3:23-cv-00339-MMD-CLB

8 **ORDER**

9 (ECF No. 3)

10 This action began with a pro se civil-rights complaint submitted under 42 U.S.C.  
11 § 1983 by a state prisoner. Plaintiff has applied to proceed *in forma pauperis*. (ECF No. 3).  
12 Based on the financial information provided, the Court finds that Plaintiff is unable to  
13 prepay the full filing fee in this matter.

14 The Court entered a screening order on March 13, 2024. (ECF No. 7). The  
15 screening order imposed a 90-day stay and the Court entered a subsequent order in  
16 which the parties were assigned to mediation by a court-appointed mediator. (ECF  
17 Nos. 7, 10). The parties did not reach a settlement at the mediation conference. (See  
18 ECF No. 14).

19 For the foregoing reasons, **IT IS ORDERED** that:

20 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 3) is  
21 **GRANTED**. Plaintiff will not be required to pay an initial installment of the filing fee. But in  
22 the event that this action is dismissed, the full filing fee must still be paid under 28 U.S.C.  
23 § 1915(b)(2).

24 2. Plaintiff is permitted to maintain this action to conclusion without the  
25 necessity of prepayment of any additional fees or costs or the giving of security therefor.

26 3. Under 28 U.S.C. § 1915, the Nevada Department of Corrections will forward  
27 payments from the account of **Percy L. Rice, #30792** to the Clerk of the United States  
28 District Court, District of Nevada, 20% of the preceding month's deposits (in months that  
the account exceeds \$10) until the full \$350 filing fee has been paid for this action. The

1 Clerk of the Court will send a copy of this order to (1) the Finance Division of the Clerk's  
2 Office and (2) the attention of **Chief of Inmate Services for the Nevada Department of**  
3 **Corrections** at [formapauperis@doc.nv.gov](mailto:formapauperis@doc.nv.gov).

4 4. The Clerk of the Court will electronically **SERVE** a copy of this order and a  
5 copy of Plaintiff's first amended complaint (ECF No. 6) on the Office of the Attorney  
6 General of the State of Nevada by adding the Attorney General of the State of Nevada to  
7 the docket sheet. This does not indicate acceptance of service.

8 5. Service must be perfected within 90 days from the date of this order  
9 consistent with Federal Rule of Civil Procedure 4(m).

10 6. Subject to the findings of the screening order (ECF No. 7), within 21 days  
11 of the date of entry of this order, the Attorney General's Office will file a notice advising  
12 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service;  
13 (b) the names of the defendants for whom it does not accept service, and (c) the names  
14 of the defendants for whom it is filing the last-known-address information under seal. As  
15 to any of the named defendants for whom the Attorney General's Office cannot accept  
16 service, the Office will file, under seal, but will not serve the inmate Plaintiff the last known  
17 address(es) of those defendant(s) for whom it has such information. If the last known  
18 address of the defendant(s) is a post office box, the Attorney General's Office will attempt  
19 to obtain and provide the last known physical address(es).

20 7. If service cannot be accepted for any of the named defendant(s), Plaintiff  
21 will file a motion identifying the unserved defendant(s), requesting issuance of a  
22 summons, and specifying a full name and address for the defendant(s). For the  
23 defendant(s) as to which the Attorney General has not provided last-known-address  
24 information, Plaintiff will provide the full name and address for the defendant(s).

25 8. If the Attorney General accepts service of process for any named  
26 defendant(s), such defendant(s) will file and serve an answer or other response to the  
27 first amended complaint (ECF No. 6) within 60 days from the date of this order.

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1       9. Plaintiff will serve upon defendant(s) or, if an appearance has been entered  
2 by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
3 submitted for consideration by the Court. If Plaintiff electronically files a document with  
4 the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P.  
5 5(d)(1)(B); Nev. IC 4-1(b); Nev. LR 5-1. But if Plaintiff mails the document to the Court,  
6 Plaintiff will include with it a certificate stating the date that a true and correct copy of the  
7 document was mailed to the defendants or counsel for the defendants. If counsel has  
8 entered a notice of appearance, Plaintiff will direct service to the individual attorney  
9 named in the notice of appearance, at the physical or electronic address stated therein.  
10 The Court may disregard any document received by a district judge or magistrate judge  
11 that has not been filed with the Clerk, and any document received by a district judge,  
12 magistrate judge, or the Clerk that fails to include a certificate showing proper service  
13 when required.

14      10. This case is no longer stayed.

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16      DATED THIS 21st day of May 2024.

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21      UNITED STATES MAGISTRATE JUDGE  
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